Presented By: Rana Jabir Abbas

ENGLISH TRANSLATION WITH ARABIC TEXT

WASA'IL AL-SHIA VOL. 22

SECTION 5

Zihar

jabir.abbas@yahoo.com

HADITH COMPILED BY

Shaykh Hurr Amili

(Downloaded on Nov 1, 2025 from http://wasail-al-shia.net)

Copyright © 2025 Shia Heritage Foundation. All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means without the prior written permission of the publisher.

PUBLISHED BY

SHIA HERITAGE FOUNDATION

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

TABLE OF CONTENTS

Section 5: Zihar

1	The One Who Says To His Wife: "You Are To Me Like The Back Of My Mother" - Intercourse With Her Becomes Forbidden Upon Him With Conditions Until He Makes Expiation, And That Uttering The Zihar Is Forbidden	1
2	Zihar Does Not Occur Except During A State Of Purity In Which He Has Not Had Intercourse With Her, And With The Testimony Of Two Witnesses While In A State Of Maturity, Sanity, And Free Choice	5
3	Zihar Does Not Occur Except With Intention And Will	6
4	If One Who Performs Zihar Likens His Wife To One Of The Prohibited Women With The Intention Of Zihar, She Becomes Forbidden To Him Until He Makes Expiation	7
5	Zihar Does Not Occur Before Marriage	8
6	Zihar Does Not Occur With The Intention Of Making An Oath Or Pleasing Others	9
7	Zihar Does Not Take Effect In Anger Or Harm	13
8	Zihar Before Consummation Does Not Take Effect	14
9	Whoever Says: "You Are To Me Like The Back Of My Mother," Or Says "Like Her Hand" Or "Her Leg" Or Any Limb Of Hers, Zihar Occurs With His Intention	15
10	The Obligation Of Expiation (Kaffara) For One Who Performs Zihar When He Intends Intercourse, And Its Non-Establishment: If He Divorces, It Falls Away; If He Takes Her Back And Intends Intercourse, It Becomes Obligatory; If She Exits The Waiting Period Then He Marries Her, It Is Not Obligatory	16
11	Zihar Occurs With Both Free Women And Slave Women, Whether They Are Wives Or Owned By Him	19
12	Zihar Applies To Both The Free Man And The Slave, Except That Upon The Slave Is Half The Expiation: Fasting For One Month, And He Is Not Required To Free A Slave Or Feed The Poor	21
13	Whoever Performs Zihar Against His Wife Multiple Times, Upon Him Is An Expiation For Each Zihar	22
14	Whoever Performs Zihar Against Multiple Wives Must Pay A Separate Expiation For Each One, Even If Done With A Single Utterance	24
15	If One Who Has Pronounced Zihar Has Intercourse Before Expiation While Knowing The Prohibition, Another Expiation Becomes Obligatory Upon Him, And Intercourse Does Not Become Lawful For Him Until He Expiates**	25
16	Permissibility Of Making Zihar Conditional, And That The Condition Is Sexual Intercourse, And That Zihar Does Not Take Effect Before The Condition Is Fulfilled	29
17	When A Woman Brings Her Case To The Judge, He Must Compel The One Who Performed Zihar To Pay The Expiation And Have Intercourse If He Does Not Divorce, When He Is Capable, Not When He Is Unable To Pay The Expiation	33

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

18	The One Who Performs Zihar Is Not Compelled To Pay Expiation And Have Intercourse Or Divorce, Except After Three Months From The Time Of Litigation, And The Types Of Expiation And Their Rulings	34
19	The Ruling On The Combination Of Ila And Zihar	35
20	Zihar Does Not Occur Upon Divorce, Nor Divorce Upon Zihar	36
21	If A Woman Performs Zihar Against Her Husband, It Does Not Take Effect	37

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

Section 5

Zihar

CHAPTER 1

The One Who Says To His Wife: "You Are To Me Like The Back Of My Mother" - Intercourse With Her Becomes Forbidden Upon Him With Conditions Until He Makes Expiation, And That Uttering The Zihar Is Forbidden

[Hadith 28654 to 28657]

jabir.abbas@yahoo.com

Hadith 28654

عن أبان وغيره، عن أبي عبدالله (عليه السلام)، قال: كان رجل على عهد رسول الله (صلى الله عليه وآله)، يقال له: أوس بن الصامت، وكان تحته امرأة، يقال لها: خولة بنت المنذر، فقال لها ذات يوم: أنت علي كظهر امي، ثمّ ندم، وقال لها: أيتها المرأة ما أظنك إلا وقد حرمت عليّ،

From Aban and others, from Abu Abdullah (peace be upon him), who said: There was a man during the time of the Messenger of Allah (may Allah bless him and his family), called Aws ibn al-Samit, and he had a wife called Khawla bint al-Mundhir. One day he said to her: "You are to me like the back of my mother." Then he regretted it and said to her: "O woman, I think you have become forbidden to me."

فجاءت إلى رسول الله (صلى الله عليه وآله)، فقالت: يا رسول الله إن زوجي قال لي: أنت علي كظهر امّي، وكان هذا القول فيما مضى يحرم المرأة على زوجها، فقال لها رسول الله (صلى الله عليه وآله): ما اظنك الا وقد حرمت عليه،

So she came to the Messenger of Allah (may Allah bless him and his family) and said: "O Messenger of Allah, my husband said to me: 'You are to me like the back of my mother,' and this statement in the past would make a woman forbidden to her husband." The Messenger of Allah (may Allah bless him and his family) said to her: "I think you have become forbidden to him."

فرفعت المرأة يدها إلى السماء، فقالت: أشكو (إلى الله) فراق زوجي، فأنزل الله يا محمّد: (قد سمع الله قول التي تجادلك في زوجها) الآيتين، ثمّ أنزل الله عزّ وجلّ الكفارة في ذلك، فقال: (والذين يظاهرون من نسائهم) الآيتين.

The woman raised her hand to the sky and said: "I complain to Allah about separation from my husband." Then Allah revealed, O Muhammad: "Allah has indeed heard the statement of her who argues with you concerning her husband" [Quran, 58:1] - the two verses. Then Allah, the Mighty and Majestic, revealed the expiation for that, saying: "And those who declare zihar from their wives" [Quran, 58:3] - the two verses.

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

Hadith 28655

عن حمران، عن أبي جعفر (عليه السلام)، قال: إن أمير المؤمنين (عليه السلام) قال: إن امرأة من المسلمين أتت رسول الله (صلى الله عليه وآله)، فقالت: يا رسول الله إن فلانا زوجي قد نثرت له بطني، وأعنته على دنياه وآخرته، فلم ير مني مكروها، وأنا أشكوه إلى الله وإليك، قال: فما تشكينه؟ قالت: إنه قال لي اليوم: أنت عليّ حرام كظهر امي، وقد أخرجني من منزلي، فانظر في أمري،

From Humran, from Abu Ja'far (peace be upon him), who said: Amir al-Muminin (peace be upon him) said: A Muslim woman came to the Messenger of Allah (may Allah bless him and his family) and said: "O Messenger of Allah, so-and-so my husband - I have borne children for him and helped him in his worldly and religious affairs, and he has seen nothing disliked from me, and I complain about him to Allah and to you." He said: "What do you complain about him for?" She said: "He said to me today: 'You are forbidden to me like the back of my mother,' and he has expelled me from my home, so look into my matter."

فقال رسول الله (صلى الله عليه واله) ما أنزل الله عليَّ كتابا أقضي به بينك وبين زوجك، وأنا أكره أن أكون من المتكلفين، فجعلت تبكي، وتشتكي ما بها إلى الله وإلى رسوله، وانصرفت،

The Messenger of Allah (may Allah bless him and his family) said: "Allah has not revealed to me a book by which I can judge between you and your husband, and I dislike to be among those who exceed bounds." So she began to weep and complain of her condition to Allah and to His Messenger, and she departed.

فسمع الله محاورتها لرسوله وما شكت إليه، فأنزل الله عزّ وجلّ بذلك قرآنا: (بسم الله الرحمن الرحيم * قد سمع الله قول التي تجادلك في زوجها وتشتكي إلى الله والله يسمع تحاوركما) يعني: محاورتها لرسول الله (صلى الله عليه وآله) في زوجها (إن الله سميع بصير * الذين يظاهرون منكم من نسائهم ماهن امهاتهم إن امهاتهم إلا اللائي ولدنهم وإنهم ليقولون منكرا من القول وزورا وإن الله لعفو غفور)

Allah heard her dialogue with His Messenger and what she complained to him about, so Allah, the Mighty and Majestic, revealed Quran about that: "In the name of Allah, the Most Gracious, the Most Merciful. Allah has indeed heard the statement of her who argues with you concerning her husband and complains to Allah. And Allah hears your dialogue" [Quran, 58:1]- meaning her dialogue with the Messenger of Allah (may Allah bless him and his family) about her husband - "Indeed Allah is Hearing and Seeing. Those among you who declare zihar from their wives - they are not their mothers. None are their mothers except those who gave birth to them. And indeed, they say an objectionable statement and a falsehood. But indeed, Allah is Pardoning and Forgiving." [Quran, 58:1-2]

فبعث رسول الله (صلى الله عليه واله) إلى المرأة، فأتته، فقال لها: جيئيني بزوجك، فأتته به، فقال: أقلت لامرأتك هذه: أنت عليَّ حرام كظهر امي؟ فقال: قد قلت ذلك، فقال رسول الله (صلى الله عليه وآله): قد أنزل الله فيك قرآناً، فقرأ عليه ما أنزل الله من قوله: (قد سمع الله قول التي تجادلك ـ إلى قوله: ـ إن الله لعفو غفور) فضم امرأتك إليك، فإنك قد قلت منكرا من القول وزوراً، قد عفا الله عنك، وغفر لك فلا تعد،

So the Messenger of Allah (may Allah bless him and his family) sent for the woman, and she came

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

to him. He said to her: "Bring me your husband." So she brought him. He said: "Did you say to this wife of yours: 'You are forbidden to me like the back of my mother'?" He said: "I did say that." The Messenger of Allah (may Allah bless him and his family) said: "Allah has revealed Quran about you." So he recited to him what Allah had revealed from His statement: "Allah has indeed heard the statement of her who argues - up to His statement - Indeed Allah is Pardoning and Forgiving." [Quran, 58:1-2] "Take your wife back to you, for you have said an objectionable statement and a falsehood. Allah has pardoned you and forgiven you, so do not repeat it."

فانصرف الرجل، وهو نادم على ما قال لامرأته، وكره الله ذلك للمؤمنين بعد، فأنزل الله عزّ وجلّ: (والذين يظاهرون من نسائهم ثمّ يعودون لما قالوا) يعني: ما قال الرجل الأوّل لامرأته: أنت عليَّ حرام كظهر اميّ، قال: فمن قالها بعدما عفا الله وغفر للرجل الأوّل فان عليه (تحرير رقبة من قبل أن يتماسا) يعني: مجامعتها (ذلكم توعظون به والله بما تعلمون خبير * فمن لم يجد فصيام شهرين متتابعين من قبل أن يتماسا فمن لم يستطع فاطعام ستين مسكينا)

The man departed, regretting what he had said to his wife. Allah disliked that for the believers afterward, so Allah, the Mighty and Majestic, revealed: [Quran, 58:3] "And those who declare zihar from their wives and then go back on what they said" - meaning what the first man said to his wife: "You are forbidden to me like the back of my mother." He said: Whoever says it after Allah pardoned and forgave the first man, then upon him is "the freeing of a slave before they touch each other" [Quran, 58:3]- meaning having intercourse with her -"That is what you are instructed with. And Allah is Acquainted with what you do." [Quran, 58:3] "And whoever does not find [a slave] - then a fast for two months consecutively before they touch each other; and whoever is unable - then the feeding of sixty poor persons." [Quran, 58:4]

فجعل الله عقوبة من ظاهر بعد النهي هذا، وقال: (ذلك لتؤمنوا بالله ورسوله وتلك حدود الله) فجعل الله عزّ وجلّ هذا حد الظهار.

So Allah made this the punishment for whoever performs zihar after the prohibition, and He said: "That is for you to believe in Allah and His Messenger. And those are the limits [set by] Allah." So Allah, the Mighty and Majestic, made this the limit of zihar. [Quran, 58:4]

jabir.abbas@yahoo.com

Hadith 28656

عن جميل بن دارج، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: سألناه عن الظهار، متى يقع على صاحبه الكفارة؟ قال: إذا أراد أن يواقع امرأته.

From Jamil ibn Daraj, from Abu Abdullah (peace be upon him) - in a hadith - he said: We asked him about zihar (a form of divorce declaration), when does the expiation become obligatory upon the one who utters it? He said: When he intends to have relations with his wife.

Hadith 28657

علي بن الحسين المرتضى في رسالة (المحكم والمتشابه) نقلا من كتاب (تفسير) النعماني بإسناده الآتي عن علي (عليه السلام)، قال: وأما المظاهرة في كتاب الله فإن العرب كانت إذا ظاهر رجل منهم من امرأته حرمت عليه إلى آخر الابد،

Ali ibn al-Husayn al-Murtada in his treatise "Al-Muhkam wa al-Mutashabih" narrating from the

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

book "Tafsir" of al-Nu'mani with the following chain from Ali (peace be upon him), he said: As for zihar in the Book of Allah, the Arabs used to practice it such that when a man among them declared zihar against his wife, she would become forbidden to him forever.

فلمّا هاجر رسول الله (صلى الله عليه وآله) كان بالمدينة رجل من الانصار، يقال له: أوس بن الصامت، وكان أول رجل ظاهر في الاسلام، فجرى بينه وبين امرأته كلام، فقال لها: أنت علي كظهر امي، ثمّ إنه ندم على ما كان منه، فقال: ويحك إنا كنا في الجاهلية تحرم علينا الازواج في مثل هذا قبل الاسلام، فلو أتيت رسول الله (صلى الله عليه وآله) تسأليه عن ذلك،

When the Messenger of Allah (peace and blessings be upon him and his family) migrated, there was a man from the Ansar in Medina called Aws ibn al-Samit, and he was the first man to declare zihar in Islam. An argument occurred between him and his wife, so he said to her: You are to me like the back of my mother. Then he regretted what he had done and said: Woe to you! In the pre-Islamic period, wives would become forbidden to us in such cases before Islam. Why don't you go to the Messenger of Allah (peace and blessings be upon him and his family) and ask him about this?

فجاءت المرأة إلى رسول الله (صلى الله عليه وآله)، فأخبرته، فقال لها: ما أظنك إلا وقد حرمت عليه إلى آخر الابد، فجزعت، وبكت، وقالت: أشكو إلى الله فراق زوجي، فأنزل الله عزّ وجلّ: (قد سمع الله قول التي تجادلك في زوجها ـ إلى قوله: ـ والذين يظاهرون من نسائهم) الآية،

So the woman came to the Messenger of Allah (peace and blessings be upon him and his family) and informed him. He said to her: I think you have indeed become forbidden to him forever. She was distressed and wept, saying: I complain to Allah about separation from my husband. Then Allah, the Mighty and Glorious, revealed: "Indeed Allah has heard the statement of her who argues with you concerning her husband" [Quran 58:1] up to His saying "And those who declare zihar against their wives" - the verse.

فقال رسول الله (صلى الله عليه وآله): قولي لاوس زوجك: يعتق نسمة، فقالت: وأنى له نسمة، والله ما له خادم غيري، قال: فيصوم شهرين متتابعين، قالت: إنه شيخ كبير، لا يقدر على الصيام، قال: فمريه فليتصدق على ستين مسكينا، فقالت: وأنى له الصدقة؟ فو الله ما بين لابتيها أحوج منا، قال: فقولي له: فليمض إلى ام المنذر فليأخذ منها شطر وسق تمر فليتصدق به على ستين مسكيناً.

So the Messenger of Allah (peace and blessings be upon him and his family) said: Tell your husband Aws to free a slave. She said: How can he have a slave when, by Allah, he has no servant other than me? He said: Then let him fast for two consecutive months. She said: He is an old man who cannot fast. He said: Then command him to give sadaqah to sixty poor people. She said: How can he give sadaqah? By Allah, there is no one between the two lava plains (of Medina) more needy than us. He said: Then tell him to go to Umm al-Mundhir and take from her half a wasq (measure) of dates and give it in sadaqah to sixty poor people.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 2

Zihar Does Not Occur Except During A State Of Purity In Which He Has Not Had Intercourse With Her, And With The Testimony Of Two Witnesses While In A State Of Maturity, Sanity, And Free Choice

[Hadith 28658 to 28661]

Hadith 28658

عن حمران ـ في حديث ـ قال: قال أبو جعفر (عليه السلام): لا يكون ظهار في يمين، ولا في إضرار، ولا في غضب، ولا يكون ظهار إلا في ظهر من غير جماع بشهادة شاهدين مسلمين.

From Humran - in a hadith - he said: Abu Ja'far (peace be upon him) said: There is no zihar in an oath, nor in causing harm, nor in anger, and there is no zihar except during a state of purity without intercourse, with the testimony of two Muslim witnesses.

Hadith 28659

عن زرارة، عن أبي جعفر (عليه السلام) ـ في حديث ـ أنه سأله كيف الظهار؟ فقال: يقول الرجل لامرأته وهي طاهر من غير جماع: أنت عليَّ حرام مثل ظهر امي، وهو يريد بذلك الظهار.

From Zurarah, from Abu Ja'far (peace be upon him) - in a hadith - that he asked him: How is zihar (performed)? He said: A man says to his wife while she is in a state of purity without intercourse: You are forbidden to me like the back of my mother, and he intends zihar by that.

Hadith 28660

عن ابن فضّال، عمن أخبره، عن أبي عبدالله (عليه السلام)، قال: لا يكون الظهار إلا على مثل موضع الطلاق. ورواه الصدوق مرسلا.

From Ibn Faddal, from one who informed him, from Abu Abdullah (peace be upon him), he said: Zihar cannot occur except in circumstances similar to those of divorce. And al-Saduq narrated it as a mursal hadith.

Hadith 28661

عن (حمران) عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: لا يكون ظهار إلا على طهر بغير جماع بشهادة شاهدين مسلمين.

From Hamran, from Abu Ja'far (peace be upon him) - in a hadith - he said: Zihar cannot occur except during a state of purity without intercourse, with the testimony of two Muslim witnesses.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 3

Zihar Does Not Occur Except With Intention And Will

[Hadith 28662 to 28664]

Hadith 28662

عن عبيد بن زرارة، عن أبي عبدالله (عليه السلام)، قال: لا طلاق إلا ما اريد به الطلاق، ولا ظهار إلا ما اريد به الظهار.

From Ubaid ibn Zurarah, from Abu Abdullah (peace be upon him), who said: There is no divorce except what is intended as divorce, and no zihar except what is intended as zihar.

Hadith 28663

عن عمار بن موسى، عن أبي عبدالله (عليه السلام)، قال: سألته عن الظهار الواجب، فقال: الذي يريد به الرجل الظهار بعينه.

From Ammar ibn Musa, from Abu Abdullah (peace be upon him), who said: I asked him about binding zihar, so he said: That which a man specifically intends as zihar.

Hadith 28664

محمّد بن علي بن الحسين في (المقنع): قال: روي في رجل قال لامرأته: هي عليه كظهر امّه، أنّه ليس عليه شيء، إذا لم يرد به التحريم.

Muhammad ibn Ali ibn al-Husayn in (al-Muqni') said: It has been narrated regarding a man who said to his wife: "She is to him like the back of his mother," that there is nothing incumbent upon him if he did not intend prohibition by it.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 4

If One Who Performs Zihar Likens His Wife To One Of The Prohibited Women With The Intention Of Zihar, She Becomes Forbidden To Him Until He Makes Expiation

[Hadith 28665 to 28668]

Hadith 28665

عن زرارة، قال: سألت أبا جعفر (عليه السلام) عن الظهار؟ فقال: هو من كل ذي محرم من اُمّ، أو اُخت، أو عمّة، أو خالة، ولا يكون الظهار في يمين.

From Zurarah, he said: I asked Abu Ja'far (peace be upon him) about zihar. He said: It is with every prohibited relative, whether mother, sister, paternal aunt, or maternal aunt, and zihar does not occur in an oath.

Hadith 28666

عن جميل بن درّاج، قال: قلت لابي عبدالله (عليه السلام): الرجل يقول لامرأته: أنت عليَّ كظهر عمّته، أو خالته، قال: هو الظهار.

From Jameel ibn Darraj, he said: I said to Abu Abdullah (peace be upon him): A man says to his wife: "You are to me like the back of his paternal aunt or maternal aunt." He said: This is zihar.

Hadith 28667

عن سيف التمّار، قال: قلت لابي عبدالله (عليه السلام): الرجل يقول لامرأته: أنت علي ظهر اختي، أو عمّتي، أو خالتي، قال: فقال: إنما ذكر الله الامهات، وإنّ هذا لحرام.

From Sayf al-Tammar, he said: I said to Abu Abdullah (peace be upon him): A man says to his wife: "You are to me like the back of my sister, or my paternal aunt, or my maternal aunt." He said: Allah only mentioned mothers, and indeed this is forbidden.

Hadith 28668

عن يونس، عن بعض رجاله، عن أبي عبدالله (عليه السلام) ـ في حديث الظهار ـ قال: وكذلك إذا هو قال: كبعض المحارم فقد لزمته الكفارة.

From Yunus, from some of his men, from Abu Abdullah (peace be upon him) - in the hadith about zihar - he said: And likewise if he said: "like some of the forbidden women (maharim)," then the expiation becomes binding upon him.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 5

Zihar Does Not Occur Before Marriage

[Hadith 28669 to 28669]

Hadith 28669

عن عبدالله بن سنان، قال: سألت أبا عبدالله (عليه السلام) عن رجل، قال لامه: كل امرأة أتزوّجها فهي علي مثلك حرام؟ قال: ليس هذا بشيء.

From Abdullah ibn Sinan, who said: I asked Abu Abdullah (peace be upon him) about a man who said to his mother: "Every woman I marry will be forbidden to me like you are." He said: This is nothing.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 6

Zihar Does Not Occur With The Intention Of Making An Oath Or Pleasing Others

[Hadith 28670 to 28680]

Hadith 28670

عن زرارة، عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: ولا يكون الظهار في يمين.

From Zurarah, from Abu Ja'far (peace be upon him) - in a hadith - he said: There is no zihar in an oath.

Hadith 28671

عن ابن أبي عمير، عن عبدالله بن المغيرة، وغيره، قال: تزوج حمزة بن حمران بنت بكير، فلما كان في الليلة التي ادخل بها عليه قلن له النساء: أنت لا تبالي بالطلاق، وليس هو عندك بشيء، وليس ندخلها عليك حتى تظاهر من امهات أولادك، قال: ففعل، فذكر ذلك لابي عبدالله (عليه السلام) فأمره أن يقربهن.

From Ibn Abi Umayr, from Abdullah ibn al-Mughira and others, he said: Hamza ibn Hamran married the daughter of Bukayr. When it was the night she was brought to him, the women said to him: You do not care about divorce, and it means nothing to you, and we will not bring her to you until you perform zihar against the mothers of your children. He said: So he did it. This was mentioned to Abu Abdullah (peace be upon him), and he ordered him to approach them.

Hadith 28672

عن ابن أبي عمير، عن عبدالله بن المغيرة قال: تزوج حمزة بن حمران ابنة بكير، فلما أراد أيدخل بها قال له النساء: لسنا ندخلها عليك حتى تحلف لنا، ولسنا نرضى أن تحلف بالعتق ؛ لانك لا تراه شيئا، ولكن احلف لنا بالظهار، وظاهر من امهات أولادك وجواريك فظاهر منهن، ثمّ ذكر ذلك لابي عبدالله (عليه السلام)، فقال: ليس عليك شيء ارجع إليهن.

From Ibn Abi Umayr, from Abdullah ibn al-Mughira who said: Hamza ibn Hamran married the daughter of Bukayr. When he wanted to consummate the marriage with her, the women said to him: We will not let her enter upon you until you swear to us, and we are not satisfied that you swear by manumission because you do not consider it anything. Rather, swear to us by zihar (likening one's wife to one's mother), and make zihar from the mothers of your children and your slave girls. So he made zihar from them. Then he mentioned this to Abu Abdullah (peace be upon him), who said: There is nothing upon you. Return to them.

Hadith 28673

عن صفوان، عن أبي الحسن (عليه السلام)، قال: سألته عن الرجل يصلي الصلوات، أو يتوضأ، فيشك فيها بعد ذلك، فيقول: إن أعدت الصلاة، أو أعدت الوضوء فامرأته عليه كظهر امه، ويحلف على ذلك بالطلاق، فقال: هذا من خطوات الشيطان، ليس

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

عليه شيء.

From Safwan, from Abu al-Hasan (peace be upon him), he said: I asked him about a man who performs prayers or performs ablution, then doubts about it afterwards, and says: If I repeat the prayer or repeat the ablution, then my wife is to me like the back of my mother, and he swears to this by divorce. He said: This is from the steps of Satan. There is nothing upon him.

Hadith 28674

عن علي بن مهزيار قال: كتب عبدالله بن محمّد إلى أبي الحسن (عليه السلام): جعلت فداك، إن بعض مواليك يزعم أن الرجل إذا تكلم بالظهار وجبت عليه الكفارة، حنث أو لم يحنث، ويقول: حنثه كلامه بالظهار، وإنّما جعلت عليه الكفارة عقوبة لكلامه، وبعضهم يزعم أن الكفارة لا تلزمه حتى يحنث في الشيء الذي حلف عليه، فان حنث وجبت عليه الكفّارة، وإلاّ فلا كفارة عليه

From Ali ibn Mahziyar who said: Abdullah ibn Muhammad wrote to Abu al-Hasan (peace be upon him): May I be your ransom, some of your followers claim that when a man speaks the words of zihar, expiation becomes obligatory upon him whether he violates it or not, and they say: His violation is his speaking the words of zihar, and expiation was only made obligatory upon him as punishment for his words. Some of them claim that expiation is not binding upon him until he violates what he swore to, so if he violates it, expiation becomes obligatory upon him, otherwise there is no expiation upon him.

فوقع بخطه (عليه السلام): لا تجب الكفارة حتى يجب.

He wrote in his handwriting (peace be upon him): The expiation is not obligatory until it becomes obligatory (meaning when he violates it).

أقول: الحنث هنا محمول على إرادة مخالفة الظهار، وقصد الوطء كما يظهر من السؤال، وحمله الشيخ على مجرد التعليق بالشرط، ويجوز حمله على التقية.

I (Hurr Amili) say: Violation here is interpreted as intending to oppose the zihar and intending intercourse, as appears from the question. The Shaykh interpreted it as merely conditional attachment, and it may be interpreted as taqiyyah.

Hadith 28675

عن عبد الرحمن بن الحجّاج، قال: سمعت أبا عبدالله (عليه السلام) يقول: إذا حلف الرجل بالظهار فحنث فعليه الكفارة قبل أن يواقع، فإن كان منه الظهار في غير يمين فانما عليه الكفارة بعدما يواقع. قال معاوية بن حكيم: ليس يصح هذا على جهة النظر والاثر في غير هذا الاثر أن يكون الظهار : لانّ أصحابنا رووا: انّه لا يكون الايمان إلا بالله، وكذلك نزل بها القرآن.

From Abd al-Rahman ibn al-Hajjaj, he said: I heard Abu Abdillah (peace be upon him) say: When a man swears an oath of zihar and breaks it, then upon him is the expiation before he has intercourse. But if the zihar was from him not in the form of an oath, then upon him is the expiation only after he has intercourse. Mu'awiya ibn Hakim said: This is not sound from the perspective of reasoning, and the tradition regarding other than this tradition is that zihar should be; because our companions have narrated that oaths are only by Allah, and thus the Quran was

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

revealed with this.

أقول: هذا محمول على التقية.

I (Hurr Amili) say: This is to be understood as taqiyyah.

Hadith 28676

عن محمّد بن سنان، قال: كتب معي عطية المدائني إلى أبي الحسن الأوّل (عليه السلام) يسأله، قال: قلت: امرأتي طالق على السنة إن أعدت الصلاة، فأعدت الصلاة، ثمّ قلت: امرأتي طالق على الكتاب والسنة إن أعدت الصلاة فأعدت، ثمّ قلت: امرأتي طالق (على الكتاب والسنة) إن أعدت الصلاة فأعدت، قال: فلما رأيت استخفافي بذلك قلت: امرأتي علي كظهر امي إن أعدت الصلاة، فأعدت، ثمّ قلت: امرأتي عليَّ كظهر امي إن أعدت الصلاة، فأعدت، ثمّ قلت: امرأتي علي كظهر امي إن أعدت الصلاة، فأعدت، وقد اعتزلت أهلي منذ سنين،

From Muhammad ibn Sinan, he said: Atiyya al-Mada'ini wrote with me to Abu al-Hasan the First (peace be upon him) asking him. He said: I said: My wife is divorced according to the Sunnah if I repeat the prayer, so I repeated the prayer. Then I said: My wife is divorced according to the Book and the Sunnah if I repeat the prayer, so I repeated it. Then I said: My wife is divorced (according to the Book and the Sunnah) if I repeat the prayer, so I repeated it. He said: When I saw my taking this lightly, I said: My wife is to me like the back of my mother if I repeat the prayer, so I repeated it. Then I said: My wife is to me like the back of my mother if I repeat the prayer, so I repeated it. Then I said: My wife is to me like the back of my mother if I repeat the prayer, so I repeated it. And I have separated from my family for years.

قال: فقال أبو الحسن الأوّل (عليه السلام): الاهل أهله، ولا شيء عليه، إنما هذا وشبهه من خطوات الشيطان.

Abu al-Hasan the First (peace be upon him) said: The family is his family, and there is nothing upon him. This and its like are only from the steps of Satan.

Hadith 28677

عن ابن رئاب عن زرارة، عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: لا يكون الظهار في يمين.

From Ibn Ri'ab from Zurarah, from Abu Ja'far (peace be upon him) - in a hadith - he said: Zihar does not occur in an oath.

Hadith 28678

عن حمزة بن حمران، قال: قلت لابي عبدالله (عليه السلام): رجل قال لامته: أنت علي كظهر امي، يرضي بذلك امرأته، قال: يأتيها، ليس عليه شيء.

From Hamza ibn Hamran, who said: I said to Abu Abdullah (peace be upon him): A man said to his female slave: "You are to me like the back of my mother," and his wife is pleased with that. He said: He may approach her, there is nothing upon him.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

Hadith 28679

عن حمران، عن أبي جعفر (عليه السلام) قال: لا يكون ظهار في يمين. الحديث.

From Hamran, from Abu Ja'far (peace be upon him) who said: There is no zihar in an oath.

ورواه الصدوق بإسناده عن الحسن بن محبوب، والذي قبله بإسناده عن عبدالله بن بكير مثله. إلاّ أنّه قال: يأتيها، وليس عليها ولا عليه شيء.

And as-Saduq narrated it through his chain from al-Hasan ibn Mahbub, and the one before it through his chain from Abdullah ibn Bukayr likewise, except that he said: He may approach her, and there is nothing upon her nor upon him.

Hadith 28680

عن عطيّة بن رستم، قال: سألت الرضا (عليه السلام) عن رجل يظاهر من امرأته، قال: إن كان في يمين فلا شيء عليه.

From Atiyyah ibn Rustam, who said: I asked ar-Rida (peace be upon him) about a man who performs zihar from his wife. He said: If it was in an oath, then there is nothing upon him.

أقول: وتقدم ما يدل على ذلك، ويأتي ما يدل عليه، ويأتي ما ظاهره المنافاة، وهو محمول على مجرد التعليق بالشرط، كما قاله الشيخ، وغيره.

I (Hurr Amili) say: What has preceded indicates this, and what will come indicates it, and what will come has an apparent contradiction, which is interpreted as merely being conditional upon a condition, as the Shaykh and others have said.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 7

Zihar Does Not Take Effect In Anger Or Harm

[Hadith 28681 to 28682]

Hadith 28681

عن ابن أبي نصر، عن الرضا (عليه السلام)، قال: الظهار لايقع على الغضب.

From Ibn Abi Nasr, from al-Rida (peace be upon him), who said: Zihar does not take effect in anger.

Hadith 28682

عن حمران، عن أبي جعفر (عليه السلام)، قال: لا يكون ظهار في يمين، ولا في إضرار، ولا في غضب. الحديث. ورواه الصدوق بإسناده عن الحسن بن محبوب. أقول: وتقدم مايدل على ذلك.

From Hamran, from Abu Ja'far (peace be upon him), who said: There is no zihar in an oath, nor in harm, nor in anger.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 8

Zihar Before Consummation Does Not Take Effect

[Hadith 28683 to 28684]

Hadith 28683

عن الفضيل بن يسار، قال: سألت أبا عبدالله (عليه السلام) عن رجل مملك ظاهر من امرأته، فقال لي: لا يكون ظهار، ولا إيلاء حتى يدخل بها.

From al-Fudayl ibn Yasar, he said: I asked Abu Abdullah (peace be upon him) about a man who has had his marriage contract completed but performed zihar against his wife. He said to me: There is no zihar and no ila (vow of sexual abstinence) until he consummates the marriage with her.

Hadith 28684

عن محمّد بن مسلم، عن أبي جعفر، و أبي عبدالله (عليهما السلام)، قال في المرأة التي لم يدخل بها زوجها، قال: لا يقع عليها إيلاء، ولا ظهار.

From Muhammad ibn Muslim, from Abu Ja'far and Abu Abdullah (peace be upon both of them), he said regarding a woman whose husband has not consummated the marriage with her: He said: Neither ila (vow of sexual abstinence) nor zihar takes effect upon her.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 9

Whoever Says: "You Are To Me Like The Back Of My Mother," Or Says "Like Her Hand" Or "Her Leg" Or Any Limb Of Hers, Zihar Occurs With His Intention

[Hadith 28685 to 28686]

Hadith 28685

عن يونس، عن بعض رجاله، عن أبي عبدالله (عليه السلام)، قال: سألته عن رجل قال لامرأته: أنت علي كظهر امي أو كيدها أكبطنها أو كفرجها أو كنفسها أو ككعبها، أيكون ذلك الظهار؟ وهل يلزمه فيه ما يلزم المظاهر؟

From Yunus, from some of his men, from Abu Abdullah (peace be upon him), he said: I asked him about a man who said to his wife: "You are to me like the back of my mother, or like her hand, or like her belly, or like her private parts, or like her soul, or like her ankle" - does this constitute zihar? And does what is incumbent upon one who performs zihar become incumbent upon him?

قال: المظاهر إذا ظاهر من امرأته فقال: هي عليه كظهر امّه، أو كيدها، أو كرجلها، أو كشعرها، أو كشيء منها، ينوي بذلك التحريم فقد لزمه الكفارة في كل قليل منها أو كثير.

He said: The one who performs zihar, when he performs zihar from his wife and says: "She is to me like the back of his mother, or like her hand, or like her leg, or like her hair, or like something of her," and he intends by that prohibition, then expiation becomes incumbent upon him for every little or much of it.

Hadith 28686

عن سدير، عن أبي عبدالله (عليه السلام)، قال: قلت له: الرجل يقول لامرأته: أنت علي كشعر امي، أو ككفها، أو كبطنها، أو كرجلها، قال: ما عنى به؟ إن أراد به الظهار فهو الظهار.

From Sudair, from Abu Abdullah (peace be upon him), he said: I said to him: A man says to his wife: "You are to me like my mother's hair, or like her palm, or like her belly, or like her leg." He said: What did he mean by it? If he intended zihar by it, then it is zihar.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 10

The Obligation Of Expiation (Kaffara) For One Who Performs Zihar When He Intends Intercourse, And Its Non-Establishment: If He Divorces, It Falls Away; If He Takes Her Back And Intends Intercourse, It Becomes Obligatory; If She Exits The Waiting Period Then He Marries Her, It Is Not Obligatory

[Hadith 28687 to 28696]

Hadith 28687

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: سألته عن رجل ظاهر من امرأته، ثمّ طلقها قبل أن يواقعها، عليه كفارة؟ قال: لا.

From Muhammad ibn Muslim, from one of the two Imams (peace be upon them both), he said: I asked him about a man who performed zihar against his wife, then divorced her before having intercourse with her - is there expiation upon him? He said: No.

Hadith 28688

عن يزيد الكناسيّ، قال: سألت أبا جعفر (عليه السلام) عن رجل ظاهر من امرأته، ثمّ طلقها تطليقة؟ فقال: إذا طلقها تطليقة فقد بطل الظهار، وهدم الطلاق الظهار قلت: فله أن يراجعها؟ قال: نعم، هي امرأته، فان راجعها وجب عليه ما يجب على المظاهر من قبل أن يتماسا،

From Yazid al-Kunasi, he said: I asked Abu Ja'far (peace be upon him) about a man who performed zihar against his wife, then divorced her with one divorce. He said: When he divorces her with one divorce, the zihar is nullified, and the divorce demolishes the zihar. I said: Can he take her back? He said: Yes, she is his wife. If he takes her back, then what is obligatory upon one who performs zihar becomes obligatory upon him before they touch each other.

قلت، فان تركها حتى يخلو أجلها، وتملك نفسها، ثمّ تزوجها بعد، هل يلزمه الظهار قبل أن يمسها؟ قال: لا، قد بانت منه وملكت نفسها.

I said: If he leaves her until her waiting period expires and she gains control of herself, then marries her afterward, does the zihar obligation apply to him before he touches her? He said: No, she has become irrevocably separated from him and gained control of herself.

Hadith 28689

عن محمّد بن مسلم، قال: سألت أبا جعفر (عليه السلام) عن رجل ظاهر من امرأته، ثمّ طلقها قبل أن يواقعها فبانت منه، هل عليه كفّارة؟ قال: لا.

From Muhammad ibn Muslim, he said: I asked Abu Ja'far (peace be upon him) about a man who

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

performs zihar against his wife, then divorces her before having intercourse with her, and she becomes separated from him. Is there expiation upon him? He said: No.

Hadith 28690

عن جميل بن دارج، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: سألناه عن الظهار، متى يقع على صاحبه الكفارة؟ قال: إذا أراد أن يواقع امرأته. قلت: فإن طلقها قبل أن يواقعها، أعليه كفارة؟ قال: لا، سقطت عنه الكفارة.

From Jamil ibn Darraj, from Abu Abdullah (peace be upon him) - in a hadith - he said: We asked him about zihar, when does expiation become incumbent upon the one who does it? He said: When he intends to have intercourse with his wife. I said: If he divorces her before having intercourse with her, is there expiation upon him? He said: No, the expiation is dropped from him.

Hadith 28691

عن جميل، وابن بكير، وحمّاد بن عثمان ـ كلهم ـ عن أبي عبدالله (عليه السلام)، قال: المظاهر إذا طلق سقطت عنه الكفارة.

From Jamil, and Ibn Bukayr, and Hammad ibn Uthman - all of them - from Abu Abdullah (peace be upon him), he said: The one who performs zihar, if he divorces, the expiation is dropped from him.

Hadith 28692

عن موسى بن أكيل النميري، عن بعض أصحابنا، عن أبي عبدالله (عليه السلام) في رجل ظاهر، ثمّ طلّق، قال: سقطت عنه الكفارة إذا طلق قبل أن يعاود المجامعة.

From Musa ibn Akil al-Numairi, from some of our companions, from Abu Abdullah (peace be upon him) regarding a man who performed zihar, then divorced her. He said: The expiation is dropped from him if he divorced before resuming sexual relations.

قيل: فانه راجعها، قال: إن كان إنما طلقها لاسقاط الكفارة عنه، ثمّ راجعها فالكفارة لازمة له أبدا إذا عاود المجامعة، وإن كان طلقها وهو لاينوي شيئا من ذلك، فلا بأس أن يراجع ولا كفارة عليه.

It was asked: What if he takes her back? He said: If he divorced her only to drop the expiation from himself, then took her back, the expiation remains obligatory upon him forever when he resumes sexual relations. But if he divorced her without intending anything of that sort, then there is no harm in taking her back and no expiation is upon him.

أقول: قوله: فلا بأس أن يراجع، لعله محمول على المراجعة بعد العدة بعقد جديد ؛ لما تقدَّم، ويأتي.

I (Hurr Amili) say: His statement "there is no harm in taking her back" perhaps refers to taking her back after the waiting period with a new marriage contract, based on what has preceded and what will come.

Hadith 28693

عن عبد الرحمن بن أبي عبدالله والحسن بن زياد، عن أبي عبدالله، (عليه السلام)، قال: إذا طلق المظاهر، ثمّ راجع فعليه الكفارة.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

From Abd al-Rahman ibn Abi Abdullah and al-Hasan ibn Ziyad, from Abu Abdullah (peace be upon him), he said: When one who performed zihar divorces then takes back his wife, expiation is upon him.

Hadith 28694

عن الحلبي، قال: سألت أبا عبدالله (عليه السلام) عن رجل يظاهر من امرأته، ثمّ يريد أن يتم على طلاقها، قال: ليس عليه كفارة، قلت: إن أراد أن يمسها؟ قال: لا يمسها حتى يكفر.

From al-Halabi, he said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar against his wife, then wants to proceed with divorcing her. He said: No expiation is upon him. I said: What if he wants to touch her? He said: He should not touch her until he makes expiation.

Hadith 28695

وبإسناده عن علي بن جعفر، أنّه سأل أخاه موسى بن جعفر (عليه السلام) عن رجل ظاهر من امرأته، ثمّ طلقها بعد ذلك بشهر أو شهرين، فتزوجت ثمّ طلقها الذي تزوّجها، فراجعها الأوّل، هل عليه الكفارة للظهار الأوّل؟ قال: نعم، عتق رقبة، أو صيام، أو صدقة.

And by his chain of narration from Ali ibn Ja'far, that he asked his brother Musa ibn Ja'far (peace be upon him) about a man who performed zihar (a form of divorce pronouncement) against his wife, then divorced her after that by a month or two, so she married another man, then the one who married her divorced her, and the first husband took her back - is the expiation (kaffara) for the first zihar still required of him? He said: Yes, freeing a slave, or fasting, or sadaqah.

قال الشيخ: هذا محمول على التقيّة ؛ لأنّه مذهب قوم من المخالفين، انتهى. ويحتمل الحمل على الاستحباب.

The Shaykh said: This is to be understood as taqiyyah, because it is the position of some of the opponents. End quote. And it is possible to interpret it as being recommended.

Hadith 28696

الفضل بن الحسن الطبرسي في (مجمع البيان): قال: وأما ما ذهب اليه أئمة الهدى من آل محمّد (عليهم السلام) فهو أن المراد من العود: ارادة الوطء أو نقض القول الذي قاله ؛ لان الوطء لا يجوز له إلا بعد الكفارة ولا يبطل حكم قوله الأوّل إلا بعد الكفارة.

Al-Fadl ibn al-Hasan al-Tabarsi in Majma' al-Bayan said: What the Imams of guidance from the family of Muhammad (peace be upon them) held is that what is meant by "return" is the intention of intercourse or retracting the statement that he made, because intercourse is not permissible for him except after the expiation, and the ruling of his first statement is not nullified except after the expiation.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 11

Zihar Occurs With Both Free Women And Slave Women, Whether They Are Wives Or Owned By Him

[Hadith 28697 to 28703]

Hadith 28697

عن إسحاق بن عمار، قال: سألت أبا إبراهيم (عليه السلام) عن الرجل يظاهر من جاريته؟ فقال: الحرة والامة في ذا سواء.

From Ishaq ibn Ammar, he said: I asked Abu Ibrahim (peace be upon him) about a man who performs zihar with his slave girl. He said: The free woman and the slave woman are equal in this matter.

Hadith 28698

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: سئل عن الظهار، على الحرة والامة؟ قال: نعم.

From Muhammad ibn Muslim, from one of them (peace be upon them both), he said: He was asked about zihar regarding free women and slave women. He said: Yes.

Hadith 28699

عن حفص بن البختري، عن أبي عبدالله، أو أبي الحسن عليهما السلام في رجل كان له عشر جوار فظاهر منهن جميعا بكلام واحد، فقال: عليه عشر كفارات.

From Hafs ibn al-Bukhtari, from Abu Abdullah or Abu al-Hasan, peace be upon them both, regarding a man who had ten slave women and pronounced zihar from all of them with one statement. He said: He owes ten expiations.

Hadith 28700

عن ابن أبي يعفور قال: سألت أبا عبدالله (عليه السلام) عن رجل ظاهر من جاريته، قال: هي مثل ظهار الحرة.

From Ibn Abi Ya'fur who said: I asked Abu Abdullah, peace be upon him, about a man who pronounced zihar from his slave woman. He said: It is like the zihar of a free woman.

Hadith 28701

عن محمّد بن مسلم، عن أبي عبدالله (عليه السلام)، قال: سألته عن الظهار، من الحرة والامة؟ قال: نعم.

From Muhammad ibn Muslim, from Abu Abdullah, peace be upon him, he said: I asked him about zihar from a free woman and a slave woman. He said: Yes.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

Hadith 28702

عن حمزة بن حمران، قال: سألت أبا عبدالله (عليه السلام) عن رجل جعل جاريته عليه كظهر امه، قال: يأتيها، وليس عليه شيء.

From Hamza ibn Hamran, he said: I asked Abu Abdullah (peace be upon him) about a man who made his slave girl like the back of his mother to him. He said: He may approach her, and there is nothing upon him.

قال الشيخ: هذا محمول على أنه أخل بشرائط الظهار من الشاهدين أو الطهر، أو غير ذلك. انتهى ويمكن حمله على قصد الخلف بالظهار، أو إرادة إرضاء الزوجة ؛ لما تقدم من قصة راوي هذا الحديث، وهو قريب من قول الشيخ.

The Shaykh said: This is interpreted as meaning that he failed to fulfill the conditions of zihar, such as having witnesses or being in a state of purity, or other such things. End quote. It can also be interpreted as intending falsehood through zihar, or wanting to please the wife, based on what was mentioned previously about the story of the narrator of this hadith, and this is close to the Shaykh's statement.

Hadith 28703

عن أحمد بن محمّد بن أبي نصر، عن الرضا (عليه السلام)، قال: سألته عن الرجل يظاهر من أمته؟ فقال: كان جعفر يقول: يقع على الحرة والامة الظهار.

From Ahmad ibn Muhammad ibn Abi Nasr, from al-Rida (peace be upon him), he said: I asked him about a man who performs zihar from his slave woman. He said: Ja'far used to say: Zihar applies to both free women and slave women.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 12

Zihar Applies To Both The Free Man And The Slave, Except That Upon The Slave Is Half The Expiation: Fasting For One Month, And He Is Not Required To Free A Slave Or Feed The Poor

[Hadith 28704 to 28706]

Hadith 28704

عن محمّد بن حمران، قال: سألت أبا عبدالله (عليه السلام) عن المملوك، أعليه ظهار؟ فقال: عليه نصف ما على الحر صوم شهر، وليس عليه كفارة من صدقة، ولا عتق.

From Muhammad ibn Hamran, who said: I asked Abu Abdullah (peace be upon him) about the slave - is zihar incumbent upon him? He said: Upon him is half of what is upon the free man: fasting for one month, and he is not required to expiate through sadaqah or manumission.

Hadith 28705

عن جميل ابن دراج، عن أبي عبدالله (عليه السلام) ـ في حديث الظهار ـ قال: إن الحر والمملوك سواء، غير أن على المملوك نصف ما على الحر من الكفارة، وليس عليه عتق، ولا صدقة، إنما عليه صيام شهر. ورواه الصدوق بإسناده عن جميل بن دراج مثله، إلى قوله: من الكفارة.

From Jamil ibn Darraj, from Abu Abdullah (peace be upon him) - in a hadith about zihar - he said: The free man and the slave are equal, except that upon the slave is half of what is upon the free man regarding expiation, and he is not required to free a slave or give sadaqah - only fasting for one month is required of him. Al-Saduq narrated it through his chain from Jamil ibn Darraj similarly, up to his saying "regarding expiation."

Hadith 28706

عن أبي حمزة الثمّالي، عن أبي جعفر (عليه السلام)، قال: سألته عن المملوك، أعليه ظهار؟ فقال: نصف ما على الحر من الصوم، وليس عليه كفارة صدقة، ولا عتق.

From Abu Hamza al-Thumali, from Abu Ja'far (peace be upon him), he said: I asked him about the slave - is zihar (oath of separation) incumbent upon him? He said: Half of what is upon the free man in terms of fasting, and there is no expiation of sadaqah or manumission upon him.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 13

Whoever Performs Zihar Against His Wife Multiple Times, Upon Him Is An Expiation For Each Zihar

[Hadith 28707 to 28712]

Hadith 28707

عن محمّد بن مسلم، عن أحدهما (عليهما السلام)، قال: سألته، عن رجل ظاهر من امرأته خمس مرات، أو أكثر، فقال: قال علي (عليه السلام): مكان كل مرة كفارة.

From Muhammad ibn Muslim, from one of the two (peace be upon them both), he said: I asked him about a man who performed zihar against his wife five times or more. He said: Ali (peace be upon him) said: For each time there is an expiation.

Hadith 28708

عن الحلبي، قال: سألت أبا عبدالله (عليه السلام) عن رجل ظاهر من امرأته ثلاث مرات؟ قال: يكفر ثلاث مرات.

From al-Halabi, he said: I asked Abu Abdullah (peace be upon him) about a man who performed zihar against his wife three times. He said: He must make expiation three times.

Hadith 28709

عن عبدالله بن المغيرة، عن أبي عبدالله (عليه السلام)، فيمن ظاهر من امرأته خمس عشرة مرة، فقال: عليه خمس عشرة كفارة.

From Abdullah ibn al-Mughira, from Abu Abdullah (peace be upon him), regarding one who performs zihar from his wife fifteen times, he said: Upon him are fifteen expiations.

Hadith 28710

عن محمّد بن مسلم، عن أبي جعفر (عليه السلام)، قال: سألته عن رجل ظاهر من امرأته خمس مرات، أو أكثر، ما عليه؟ قال: عليه مكان كل مرة كفارة.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: I asked him about a man who performs zihar from his wife five times, or more, what is upon him? He said: Upon him is an expiation for each time.

Hadith 28711

عن أبي الجارود زياد بن المنذر، قال: سأل أبوالورد أبا جعفر (عليه السلام) ـ وأنا عنده ـ عن رجل قال لامرأته: أنت علي كظهر أُمّي مائة مرة؟ فقال أبو جعفر (عليه السلام): يطيق لكل مرة عتق نسمة؟ قال: لا، قال: يطيق إطعام ستين مسكينا مائة مرة؟ قال: لا، قال: فيطيق صيام شهرين متتابعين مائة مرة؟ قال: لا، قال: يفرق بينهما.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

From Abu al-Jarud Ziyad ibn al-Mundhir, he said: Abu al-Warid asked Abu Ja'far (peace be upon him) - while I was with him - about a man who said to his wife: You are to me like the back of my mother one hundred times. Abu Ja'far (peace be upon him) said: Can he manage to free a soul for each time? He said: No. He said: Can he manage to feed sixty poor people one hundred times? He said: No. He said: Can he manage to fast two consecutive months one hundred times? He said: No. He said: Then they should be separated.

Hadith 28712

عن عبد الرحن بن الحجاج، عن أبي عبدالله (عليه السلام) في رجل ظاهر من امرأته أربع مرات (في كل مجلس واحدة)، قال: عليه كفارة واحدة.

From Abd al-Rahman ibn al-Hajjaj, from Abu Abdullah (peace be upon him) regarding a man who performed zihar (a form of divorce where a husband compares his wife to his mother or other forbidden relative) from his wife four times (one in each sitting), he said: Upon him is one expiation.

أقول: حمله الشيخ على أن المراد: كفارة واحدة في الجنس كما يأتي، ويمكن حمله على ما لو كرر الصيغة بقصد تأكيد الظهار الأوّل، لا إنشاء ظهار آخر، فإن القصد والارادة شرط في الظهار كما مر، ويحتمل الحمل على الانكار.

I (Hurr Amili) say: The Sheikh interpreted this to mean one expiation of the same type as will come, and it is possible to interpret it as referring to when he repeated the formula with the intention of emphasizing the first zihar, not creating another zihar, since intention and will are conditions for zihar as has passed. It is also possible to interpret this as a rejection.

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 14

Whoever Performs Zihar Against Multiple Wives Must Pay A Separate Expiation For Each One, Even If Done With A Single Utterance

[Hadith 28713 to 28715]

Hadith 28713

عن حفص بن البختري، عن أبي عبدالله، أو أبي الحسن (عليهما السلام) في رجل كان له عشر جوار، فظاهر منهن جميعا كلهن بكلام واحد، فقال: عليه عشر كفارات.

From Hafs ibn al-Bukhtari, from Abu Abdullah or Abu al-Hasan (peace be upon them both) regarding a man who had ten slave women and performed zihar against all of them with a single statement. He said: He owes ten expiations.

Hadith 28714

عن صفوان قال: سأل الحسين بن مهران أبا الحسن الرضا (عليه السلام) عن رجل ظاهر من أربع نسوة؟ قال: يكفر لكل واحدة كفارة. وسأله عن رجل ظاهر من امرأته وجاريته، ما عليه؟ قال: عليه لكل واحدة منهما كفارة عتق رقبة، أو صيام شهرين متتابعين، أو إطعام ستين مسكينا.

From Safwan who said: Al-Husayn ibn Mihran asked Abu al-Hasan al-Rida (peace be upon him) about a man who performed zihar against four wives. He said: He must expiate for each one separately. And he asked him about a man who performed zihar against his wife and his slave woman, what is upon him? He said: Upon him is an expiation for each one of them - freeing a slave, or fasting two consecutive months, or feeding sixty poor people.

أقول: أو هنا محمولة على التفصيل، أو التقسيم، لا التخيير ؛ لما يأتي في محله، ذكره الشيخ وغيره.

I (Hurr Amili) say: The "or" here is to be understood as detailing or division, not as choice, as will come in its proper place. This was mentioned by the Shaykh and others.

Hadith 28715

عن غياث بن إبراهيم، عن جعفر، عن أبيه، عن علي (عليه السلام) في رجل ظاهر من أربع نسوة، قال: عليه كفارة واحدة.

From Ghiyath ibn Ibrahim, from Ja'far, from his father, from Ali (peace be upon him) regarding a man who performed zihar against four wives. He said: Upon him is one expiation.

أقول: حمله الشيخ على أنه كفارة واحدة في الجنس، إما عتق، أو صيام أو إطعام، ويمكن حمله على الانكار.

I (Hurr Amili) say: The Shaykh interpreted this as meaning one expiation of a single type - either freeing a slave, or fasting, or feeding - and it is possible to interpret it as a rejection [of the practice].

---

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 15

If One Who Has Pronounced Zihar Has Intercourse Before Expiation While Knowing The Prohibition, Another Expiation Becomes Obligatory Upon Him, And Intercourse Does Not Become Lawful For Him Until He Expiates**

[Hadith 28716 to 28724]

Hadith 28716

عن أبي بصير، عن أبي عبدالله (عليه السلام)، أنه قال: إذا واقع المرة الثانية قبل أن يكفر فعليه كفارة اخرى، ليس في هذا اختلاف.

From Abu Basir, from Abu Abdullah (peace be upon him), that he said: If he has intercourse a second time before he expiates, then another expiation is upon him. There is no disagreement in this matter.

Hadith 28717

عن الحلبي، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: فإن واقع ـ يعني: المظاهر ـ قبل أن يكفر؟ قال: يستغفر الله، ويمسك حتى يكفر.

From al-Halabi, from Abu Abdullah (peace be upon him) - in a hadith - he said: If he has intercourse - meaning the one who pronounced zihar - before he expiates? He said: He should seek Allah's forgiveness and abstain until he expiates.

أقول: هذا محمول على أنه يكفر كفارتين ؛ لما مضى، ويأتي، قاله الشيخ.

I (Hurr Amili) say: This is understood to mean that he must expiate twice - for what has passed and what is to come, as the Shaykh has stated.

Hadith 28718

عن الحسن الصيقل، قال: سألت أبا عبدالله (عليه السلام) عن الرجل يظاهر من امرأته، قال: فليكفر، قلت: فانه واقع قبل أن يكفر، قال: أتى حدا من حدود الله عزّ وجلّ، فليستغفر الله، وليكف حتى يكفر

From al-Hasan al-Sayqal, he said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar against his wife. He said: Let him make expiation. I said: What if he has intercourse before making expiation? He said: He has transgressed one of the boundaries of Allah, the Mighty and Majestic, so let him seek Allah's forgiveness and refrain until he makes expiation.

ورواه الصدوق بإسناده عن أبان. قال الصدوق: يعني في الظهار الذي يكون بشرط، فأما الظهار الذي ليس بشرط فمتى جامع صاحبه قبل أن يكفر لزمه كفارة اخرى. انتهى. ويحتمل ما مر.

Al-Saduq narrated it through his chain from Aban. Al-Saduq said: He means regarding zihar that is

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

conditional. As for zihar that is not conditional, whenever its perpetrator has intercourse before making expiation, another expiation becomes obligatory upon him. End quote. And what has passed is possible.

Hadith 28719

عن الحلبي، قال: سألت أبا عبدالله (عليه السلام) عن الرجل يظاهر من امرأته، ثمّ يريد أن يتم على طلاقها؟ قال: ليس عليه كفارة، قلت: إن أراد أن يمسها؟ قال: لا يمسها حتى يكفر، قلت: فان فعل فعليه شيء؟ قال: إي والله إنه لآثمٌ ظالم، قلت: عليه كفارة غير الأوّلى؟ قال: نعم يعتق أيضا رقبة.

From al-Halabi, he said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar against his wife, then wants to proceed with divorcing her. He said: There is no expiation upon him. I said: If he wants to touch her? He said: He should not touch her until he makes expiation. I said: If he does so, is there anything upon him? He said: Yes, by Allah, he is indeed sinful and unjust. I said: Is there an expiation upon him other than the first one? He said: Yes, he should also free a slave.

Hadith 28720

عن الحسن الصيقل، عن أبي عبدالله (عليه السلام)، قال: قلت له: رجل ظاهر من امرأته فلم يفِ، قال: عليه الكفارة من قبل أن يتماسا، قلت: فانه أتاها قبل أن يكفر، قال: بئس ما صنع، قلت: عليه شيء؟ قال: أساء وظلم، قلت: فيلزمه شيء؟ قال: رقبة أيضا.

From al-Hasan al-Sayqal, from Abu Abdullah (peace be upon him), he said: I said to him: A man who performed zihar against his wife but did not fulfill it. He said: The expiation is upon him before they touch each other. I said: What if he came to her before making expiation? He said: Evil is what he did. I said: Is there anything upon him? He said: He did wrong and was unjust. I said: Does anything become binding upon him? He said: Also a slave.

Hadith 28721

عن أبي بصير، قال: قلت لابي عبدالله (عليه السلام): متى تجب الكفارة على المظاهر؟ قال: إذا أراد أن يواقع، قال: قلت: فان واقع قبل أن يكفر؟ قال: فقال: عليه كفارة اخرى.

From Abu Basir, he said: I said to Abu Abdullah (peace be upon him): When does expiation become obligatory upon the one who performs zihar? He said: When he intends to have intercourse. I said: What if he has intercourse before making expiation? He said: Then he owes another expiation.

Hadith 28722

عن جده علي بن جعفر، عن أبيه، عن آبائه، عن علي (عليهم السلام) ـ في حديث ـ قال: أتى رجل من الانصار من بني النجار رسول الله (صلى الله عليه وآله)، فقال: إني ظاهرت من امرأتي فواقعتها قبل أن اكفر، قال: وما حملك على ذلك؟

From his grandfather Ali ibn Ja'far, from his father, from his forefathers, from Ali (peace be upon

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

them) - in a hadith - he said: A man from the Ansar from Banu al-Najjar came to the Messenger of Allah (may Allah bless him and his family) and said: I performed zihar against my wife and then had intercourse with her before making expiation. He said: What led you to do that?

قال: رأيت بريق خلخالها، وبياض ساقها في القمر فواقعتها، فقال له النبي (صلى الله عليه واله): لا تقربها حتى تكفر، وأمره بكفارة الظهار، وأن يستغفر الله.

He said: I saw the gleam of her anklet and the whiteness of her leg in the moonlight, so I had intercourse with her. The Prophet (may Allah bless him and his family) said to him: Do not approach her until you make expiation, and he commanded him to make expiation for zihar and to seek Allah's forgiveness.

أقول: حمله الشيخ على أنه أمره بكفارتين، وجوز حمله على من فعل ذلك جاهلا أو ناسيا : لما يأتي. ورواه الكليني عن علي بن إبراهيم، عن أبيه، عن النوفلي، عن السكوني، عن أبي عبدالله (عليه السلام)، قال: قال أمير المؤمنين (عليه السلام)، وذكر نحوه، إلا أنه قال: وأمره بكفارة واحدة. أقول: هذا يحتمل النسخ، ويحتمل إرادة الاتحاد في الجنس كما مر، ويحتمل أن يكون الرجل كان عاجزا عما زاد عن كفارة واحدة، فيكون الاستغفار كفارة اخرى، ويحتمل كونه جاهلا كما قال الشيخ، ويحتمل كون ظهاره مشروطا بالمواقعة، ويكون الامر بالاستغفار لاجل التلفظ بالظهار.

I (Hurr Amili) say: The Shaykh interpreted this as commanding him to make two expiations, and he allowed interpreting it as applying to one who did this out of ignorance or forgetfulness, as will come. Al-Kulayni narrated it from Ali ibn Ibrahim, from his father, from al-Nawfali, from al-Sakuni, from Abu Abdullah (peace be upon him), who said: Amir al-Muminin (peace be upon him) said, and he mentioned something similar, except that he said: And he commanded him to make one expiation. I (Hurr Amili) say: This could mean abrogation, or it could mean unity in type as mentioned before, or it could be that the man was unable to do more than one expiation, so the seeking of forgiveness would be another expiation, or it could be that he was ignorant as the Shaykh said, or it could be that his zihar was conditional upon intercourse, and the command to seek forgiveness was due to uttering the zihar.

jabir.abbas@yahoo.com

Hadith 28723

عن محمّد مسلم، عن أبي جعفر (عليه السلام)، قال: الظهار لا يقع إلا على الحنث، فاذا حنث فليس له أن يواقعها حتى يكفر، فإن جهل وفعل فانما عليه كفارة واحدة.

From Muhammad Muslim, from Abu Ja'far (peace be upon him), he said: Zihar does not take effect except upon violation, so when he violates it, he may not have intercourse with her until he makes expiation. If he acts out of ignorance, then he only owes one expiation.

Hadith 28724

عن أحمد بن محمّد بن عيسى، (عن الحسين بن سعيد)، عن صفوان بن يحيى، عن موسى بن بكر، عن زرارة، عن أبي جعفر (عليه السلام): إن الرجل إذا ظاهر من امرأته ثمّ غشيها قبل أن يكفر، فانما عليه كفارة واحدة، ويكف عنها حتى يكفر.

From Ahmad ibn Muhammad ibn Isa, (from al-Husayn ibn Sa'id), from Safwan ibn Yahya, from Musa ibn Bakr, from Zurarah, from Abu Ja'far (peace be upon him): If a man performs zihar

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

against his wife then has intercourse with her before making expiation, then he only owes one expiation, and he should abstain from her until he makes expiation.

أقول: تقدم الوجه في مثله، ويأتي ما ظاهره المنافاة، وعدم وجوب كفارة على المظاهر بالوطء أصلا، وأنه محمول على تعليق الظهار على الوطء.

I (Hurr Amili) say: The reasoning in similar cases has been mentioned previously, and what appears to contradict this will come later - that no expiation is required upon the one who performs zihar through intercourse at all, and that this is interpreted as zihar being conditional upon intercourse.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 16

Permissibility Of Making Zihar Conditional, And That The Condition Is Sexual Intercourse, And That Zihar Does Not Take Effect Before The Condition Is Fulfilled

[Hadith 28725 to 28737]

Hadith 28725

عن عبد الرحمن بن الحجاج، عن أبي عبدالله (عليه السلام)، قال: الظهار ضربان: أحدهما فيه الكفارة قبل المواقعة، والآخر بعده، فالذي يكفر قبل المواقعة الذي يقول: أنت علي كظهر امي، ولا يقول: إن فعلت بك كذا وكذا، والذي يكفر بعد المواقعة الذي يقول: أنت علي كظهر امي إن قربتك.

From Abd al-Rahman ibn al-Hajjaj, from Abu Abdullah (peace be upon him), who said: Zihar is of two types: one in which expiation is due before intercourse, and the other after it. The one that requires expiation before intercourse is when one says: "You are to me like the back of my mother," without saying "if I do such and such to you." The one that requires expiation after intercourse is when one says: "You are to me like the back of my mother if I approach you."

Hadith 28726

عن زرارة، قال: قلت لابي جعفر (عليه السلام): إني ظاهرت من ام ولدي ثمّ وقعت عليها، ثمّ كفرت، فقال: هكذا يصنع الرجل الفقيه، إذا وقع كفر.

From Zurarah, who said: I said to Abu Ja'far (peace be upon him): I made zihar from the mother of my child, then I had intercourse with her, then I made expiation. He said: This is what a learned man does - when he has intercourse, he makes expiation.

أقول: هذا محمول على جعل الوطء شرط الظهار.

I (Hurr Amili) say: This is understood as making intercourse a condition for the zihar.

Hadith 28727

عن ابن بكير، عن رجل، قال: قلت لابي الحسن (عليه السلام): إني قلت لامرأتي: أنت علي كظهر امي إن خرجت من باب الحجرة، فخرجت، فقال: ليس عليك شيء، فقلت: إني أقوى على أن اكفر، فقال: ليس عليك شيء، فقلت: إني أقوى على أن اكفر رقبة ورقبتين، فقال: ليس عليك شيء، قويت أو لم تقو.

From Ibn Bukayr, from a man, who said: I said to Abu al-Hasan, peace be upon him: I said to my wife: "You are to me like the back of my mother if you leave through the door of the room," and she left. He said: There is nothing upon you. I said: I am able to expiate. He said: There is nothing upon you. I said: I am able to expiate one or two slaves. He said: There is nothing upon you, whether you are able or not.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

أقول: هذا محمول على قصد اليمين، وإن الكفارة المنفية كفارة اليمين، ويحتمل الحمل على ارادة عدم لزوم الكفارة قبل إرادة الوطء، إذ لا تجب بمجرد حصول الشرط.

I (Hurr Amili) say: This is interpreted as intending an oath, and that the negated expiation is the expiation of an oath. It may also be interpreted as meaning that expiation is not obligatory before intending intercourse, since it is not obligatory merely by the occurrence of the condition.

Hadith 28728

عن القاسم بن محمّد الزيات قال: قلت لابي الحسن (عليه السلام) إني ظاهرت من امرأتي، فقال: كيف قلت؟ قال: قلت: أنت علي كظهر امي إن فعلت كذا وكذا، فقال لي: لا شيء عليك، ولا تعد.

From al-Qasim ibn Muhammad al-Zayyat, who said: I said to Abu al-Hasan, peace be upon him: I made zihar from my wife. He said: How did you say it? He said: I said: "You are to me like the back of my mother if you do such and such." He said to me: There is nothing upon you, but do not repeat it.

Hadith 28729

عن عمر بن اذينة، عن زرارة، قال: قلت لابي عبدالله (عليه السلام): رجل ظاهر، ثمّ واقع قبل أن يكفر، فقال لي: أو ليس هكذا يفعل الفقيه؟. ورواه الشيخ بإسناده عن علي بن إسماعيل، عن ابن أبي عمير.

From Umar ibn Udhayna, from Zurarah, who said: I said to Abu Abdullah, peace be upon him: A man makes zihar, then has intercourse before he expiates. He said to me: Is this not how the jurist acts The Shaykh narrated it through his chain from Ali ibn Ismail, from Ibn Abi Umayr.

أقول: حمله الشيخ على تعليق الظهار بالوطء؛ لما مضى ويأتي.

I (Hurr Amili) say: The Shaykh interpreted this as making zihar conditional upon intercourse, based on what has passed and what is to come.

Hadith 28730

عن عبد الرحمن بن الحجاج، عن أبي عبدالله (عليه السلام) ـ في حديث ـ قال: إن كان منه الظهار في غير يمين فانما عليه الكفارة بعدما يواقع. أقول: تقدم وجهه.

From Abd al-Rahman ibn al-Hajjaj, from Abu Abdullah (peace be upon him) - in a hadith - he said: If the zihar from him was not in the form of an oath, then he only owes the expiation after he has intercourse. I (Hurr Amili) say: Its reasoning has been mentioned previously.

Hadith 28731

عن حريز، عن أبي عبدالله (عليه السلام)، قال: الظهار ظهاران: فأحدهما أن يقول: أنت علي كظهر امي، ثمّ يسكت، فذلك الذي يكفر، فإذا قال: أنت علي كظهر امي إن فعلت كذا وكذا ففعل وحنث، فعليه الكفارة حين يحنث.

From Hariz, from Abu Abdullah (peace be upon him), he said: Zihar is of two types: one of them is when he says: You are to me like the back of my mother, then remains silent - that is the one for

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

which he must make expiation. But if he says: You are to me like the back of my mother if I do such and such, then he does it and breaks his oath, then he owes the expiation when he breaks the oath.

Hadith 28732

عن عبد الرحمن بن الحجاج، قال: الظهار على ضربين، في أحدهما الكفارة، إذا قال: أنت علي كظهر أمي، ولا يقول: أنت علي كظهر امي إن قربتك.

From Abd al-Rahman ibn al-Hajjaj, he said: Zihar is of two types, in one of them there is expiation, when he says: You are to me like the back of my mother, and he does not say: You are to me like the back of my mother if I approach you.

Hadith 28733

عن محمّد بن مسلم، أبي جعفر (عليه السلام)، قال: الظهار لا يقع إلا على الحنث، فاذا حنث فليس له أن يواقعها حتى يكفر، فان جهل وفعل كان عليه كفارة واحدة.

From Muhammad ibn Muslim, from Abu Ja'far (peace be upon him), he said: Zihar does not take effect except upon breaking the oath. When he breaks it, he is not permitted to have sexual relations with her until he makes expiation. If he was ignorant and did so, then upon him is one expiation.

Hadith 28734

عن سعيد الاعرج، عن موسى بن جعفر (عليه السلام) في رجل ظاهر من امرأته فوفى، قال: ليس عليه شيء.

From Sa'id al-A'raj, from Musa ibn Ja'far (peace be upon him) regarding a man who made zihar from his wife and then fulfilled his oath, he said: Nothing is upon him.

Hadith 28735

عن الحسن الصيقل، عن أبي عبدالله (عليه السلام)، قال: قلت له: رجل ظاهر من امرأته فلم يف، قال: عليه الكفارة من قبل أن يتماسا.

From al-Hasan al-Saiqal, from Abu Abdullah (peace be upon him), he said: I said to him: A man who made zihar from his wife and did not fulfill his oath. He said: Upon him is the expiation before they touch each other.

Hadith 28736

عن عبد الرحمن بن الحجاج، قال: سمعت أبا عبدالله (عليه السلام) يقول: إذا قال الرجل لامرأته: أنت علي كظهر امه لزمه الظهار، قال لها دخلت أو لم تدخلي، خرجت أو لم تخرجي، أو لم يقل لها شيئا فقد لزمه الظهار.

From Abd al-Rahman ibn al-Hajjaj, he said: I heard Abu Abdullah (peace be upon him) say: When a man says to his wife: "You are to me like the back of my mother," zihar becomes binding upon him, whether he said to her "you have entered or not entered, you have gone out or not gone out," or whether he said nothing to her at all - zihar has become binding upon him.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

Hadith 28737

وقد تقدم حديث ابن فضال عمن أخبره، عن أبي عبدالله (عليه السلام)، قال: لا يكون الظهار إلا على مثل موضع الطلاق.

There has already been mentioned the hadith of Ibn Faddal from someone who informed him, from Abu Abdullah (peace be upon him), who said: Zihar only occurs in the same circumstances as divorce.

أقول: خصه الشيخ بغير التجرد عن الشرط من شروط الطلاق، وقد تقدم ما يدل على المقصود عموما، ويأتي ما يدل عليه.

I (Hurr Amili) say: The Shaykh specified this as applying to cases other than those stripped of the conditions required for divorce. What has been previously mentioned indicates the general intent, and what comes later will also indicate it.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 17

When A Woman Brings Her Case To The Judge, He Must Compel The One Who Performed Zihar To Pay The Expiation And Have Intercourse If He Does Not Divorce, When He Is Capable, Not When He Is Unable To Pay The Expiation

[Hadith 28738 to 28738]

Hadith 28738

عن يزيد الكناسي، عن أبي جعفر (عليه السلام) ـ في حديث ـ قال: قلت له: فان ظاهر منها، (ثمّ) تركها لا يمسها إلا أنه يراها متجردة من غير أن يمسها هل (عليه) في ذلك شيء؟ قال: هي امرأته وليس يحرم عليه مجامعتها، ولكن يجب عليه ما يجب على المظاهر قبل أن يجامع وهي امرأته،

From Yazid al-Kanasi, from Abu Ja'far (peace be upon him) - in a hadith - he said: I said to him: If he performs zihar against her, then leaves her without touching her, except that he sees her undressed without touching her, is there anything upon him in that? He said: She is his wife and intercourse with her is not forbidden to him, but what is obligatory upon one who performs zihar before he has intercourse becomes obligatory upon him, and she is his wife.

قلت: فان رفعته إلى السلطان وقالت: هذا زوجي وقد ظاهر مني وقد أمسكني لا يمسني مخافة أن يجب عليه ما يجب على المظاهر، فقال: ليس عليه أن يجبر على العتق والصيام والاطعام إذا لم يكن له ما يعتق، ولم يقو على الصيام، ولم يجد ما يتصدق به، قال: فان كان يقدر على أن يعتق فان على الامام أن يجبره على العتق أو الصدقة من قبل أن يمسها، ومن بعدما يمسها.

I said: If she brings him to the ruler and says: This is my husband who has performed zihar against me and has kept me without touching me out of fear that what is obligatory upon one who performs zihar will become obligatory upon him. He said: He is not to be compelled to free a slave, fast, or feed the poor if he does not have the means to free a slave, is not capable of fasting, and does not find anything to give in sadaqah. He said: If he is capable of freeing a slave, then it is upon the Imam to compel him to free a slave or give sadaqah before he touches her and after he touches her.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 18

The One Who Performs Zihar Is Not Compelled To Pay Expiation And Have Intercourse Or Divorce, Except After Three Months From The Time Of Litigation, And The Types Of Expiation And Their Rulings

[Hadith 28739 to 28739]

Hadith 28739

عن أبي بصير، قال: سألت أبا عبدالله (عليه السلام) عن رجل ظاهر من امرأته، قال: إن أتاها فعليه عتق رقبة، أو صيام شهرين متتابعين، أو إطعام ستين مسكينا، وإلا ترك ثلاثة أشهر فان فاء، وإلا اوقف حتى يسأل: لك حاجة في امرأتك أو تطلقها؟ فان فاء فليس عليه شيء، وهي امرأته، وإن طلق واحدة فهو أملك برجعتها.

From Abu Basir, he said: I asked Abu Abdullah (peace be upon him) about a man who performs zihar against his wife. He said: If he comes to her, then upon him is freeing a slave, or fasting two consecutive months, or feeding sixty poor people. Otherwise, he leaves her for three months. If he returns, otherwise he is made to stand until he is asked: Do you have need of your wife or will you divorce her? If he returns, then there is nothing upon him and she is his wife. If he divorces once, then he has more right to take her back.

أقول: قوله: فان فاء محمول على التكفير والوطء معا، ويأتي ما يدل على أحكام الكفارات، ولفظ أو هنا للتقسيم لا للتخيير ؛ لما يأتي.

I (Hurr Amili) say: His statement "if he returns" is understood to mean both expiation and intercourse together. What follows will indicate the rulings of expiations, and the word "or" here is for division, not for choice, as will come.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 19

The Ruling On The Combination Of Ila And Zihar

[Hadith 28740 to 28740]

Hadith 28740

محمّد بن علي بن الحسين بإسناده، عن السكوني، قال: قال علي (عليه السلام) في رجل آلى من امرأته، وظاهر منها في كلمة واحدة، قال: عليه كفارة واحدة.

Muhammad ibn Ali ibn al-Husayn, through his chain of narration, from al-Sakuni, who said: Ali (peace be upon him) said regarding a man who makes ila (vow of sexual abstinence) from his wife and zihar from her in one statement: Upon him is one expiation.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 20

Zihar Does Not Occur Upon Divorce, Nor Divorce Upon Zihar

[Hadith 28741 to 28741]

Hadith 28741

محمّد بن علي بن الحسين، قال: قال الصادق (عليه السلام): لا يقع ظهار على طلاق، ولا طلاق على ظهار.

Muhammad ibn Ali ibn al-Husayn said: Al-Sadiq (peace be upon him) said: Zihar does not occur upon divorce, nor divorce upon zihar.

أقول: فسره بعض فقهائنا بأنه لا يقع أحدهما مع إرادة الآخر، فتكون على بمعنى مع كما قالوه في قوله تعالى: (ويطعمون الطعام على حبه) وقوله تعالى: (وإن ربك لذو مغفرة للناس على ظلمهم) وغير ذلك.

I (Hurr Amili) say: Some of our jurists have interpreted this to mean that one of them does not occur with the intention of the other, so "upon" (ala) would mean "with" (ma'a), as they have said regarding His saying, the Exalted: "And they give food despite their love for it" [Quran, 76:8] and His saying, the Exalted: "And indeed your Lord is full of forgiveness for mankind despite their wrongdoing" [Quran, 13:6] and other similar instances.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas

Presented By: Rana Jabir Abbas

CHAPTER 21

If A Woman Performs Zihar Against Her Husband, It Does Not Take Effect

[Hadith 28742 to 28742]

Hadith 28742

محمّد بن علي بن الحسين بإسناده عن السكوني، قال قال أمير المؤمنين (عليه السلام): إذا قالت المرأة: زوجي علي كظهر امي، فلا كفارة عليهما.

Muhammad ibn Ali ibn al-Husayn by his chain of narration from al-Sakuni, who said: Amir al-Muminin (peace be upon him) said: If a woman says: "My husband is to me like the back of my mother," then there is no expiation upon either of them.

jabir.abbas@yahoo.com

Contact : jabir.abbas@yahoo.com https://fb.com/ranajabirabbas